

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

\* \* \* \* \*

ESTATE OF MICHAEL EDWARD BELL, by Special  
Administrator Michael Martin Bell, KIM MARIE  
BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,  
Plaintiffs,

vs. Case No. 05-C-1176  
OFFICER ERICH R. STRAUSBAUGH, OFFICER ERICH S.  
WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER  
ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,  
CITY OF KENOSHA,

Defendants.

\* \* \* \* \*

VIDEOTAPED DEPOSITION OF TODD THORNE

TAKEN AT: Kenosha City Hall  
LOCATED AT: 625 52nd Street  
Kenosha, WI

May 31, 2007  
1:24 p.m. to 3:05 p.m.  
REPORTED BY ANITA K. FOSS  
REGISTERED PROFESSIONAL REPORTER

\* \* \* \* \*

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1 I knew that. One of the first questions I ask  
2 the on-scene supervisor, are they aware of  
3 anything that's been removed. Obviously, the  
4 body was gone. Is there anything else that's  
5 been removed, and they'll either say yes or no  
6 and what it is. And I believe -- I believe  
7 that that's when I found that out. But I'm not  
8 completely positive. It's been a long time.

9 Q Who was the officer in charge when you arrived  
10 at the scene?

11 A It would have been Maccari. Lieutenant  
12 Maccari.

13 Q Is Lieutenant Maccari the person you likely  
14 would have asked if anything had been changed  
15 in the scene prior to your arrival?

16 A You know what, it could have been Lieutenant  
17 Maccari, it could have been officer Dan  
18 DeJonge, who was an evidence technician that  
19 evening.

20 Q What about Beller, Officer Beller? And the  
21 only reason I mention him is because in Exhibit  
22 82, it says that "P.O. Beller walked me through  
23 the scene."

24 A Could have been Beller as well.

25 Q But in any event, while you were still at the

1 scene you learned that Officer Weidner had  
2 removed the handcuffs from the position they  
3 had been in front of the WaveRunners?

4 A I don't like the word removed. I would say  
5 resecured would be a better word. Removed adds  
6 a little bit of facetiousness there, and I  
7 don't think that was the case at all.

8 Q Where was Officer Weidner when you learned that  
9 he had repositioned or resecured the handcuffs?

10 A Where was he when he did it or where was he --

11 Q Where was he when you learned that he had done  
12 that?

13 A I have no idea. He wasn't on scene.

14 Q He was not at scene?

15 A Correct.

16 Q At any time during the course of your  
17 investigation did you ask Officer Weidner to  
18 return the handcuffs to you?

19 A No.

20 Q Do you know if he returned the handcuffs to  
21 anybody as part of the collection of evidence?

22 A I have no idea. I don't believe so.

23 Q Do you know if the handcuffs were ever tested  
24 for DNA?

25 A I don't believe so.

1 Q Is there a reason why you didn't ask Officer  
2 Weidner to give you the handcuffs?

3 A 'Cause it was my understanding they were never  
4 able to make contact with the handcuffs to  
5 Mr. Bell or anybody else; therefore, the  
6 probative value of that would be zilch.

7 Q It would be zilch if, assuming that Officer  
8 Weidner -- or at least the information you had  
9 was accurate; correct?

10 A Correct.

11 Q Is there a way that you could have objectively,  
12 independently verified whether or not the  
13 officer's information to you was accurate, by  
14 testing?

15 A Could have I have taken those handcuffs and  
16 tested them for DNA? Absolutely.

17 Q You chose not to because of what the officers  
18 told you?

19 A Absolutely.

20 Q Is that what you were taught in forensics, that  
21 if the officer tells you something, that you  
22 take that as true and don't do anything to  
23 objectively verify the veracity of their  
24 statement?

25 A Again, the probative value is what I'm looking

1 at. And I do not -- I don't have any reason to  
2 believe that the handcuffs were in contact with  
3 Mr. Bell, especially after the autopsy, which  
4 was a day-and-a-half later.

5 Q Were you aware of the fact that one of the  
6 witnesses interviewed by the police department  
7 did say that Michael Bell had handcuffs on his  
8 wrist?

9 A Nope.

10 Q If you had known that would you have taken the  
11 handcuffs from Officer Weidner and had them  
12 examined?

13 A Yes.

14 Q Whose obligation was it, if anybody's, to tell  
15 you that during the course of the investigation  
16 by the Kenosha police department, they learned  
17 that there was at least one witness who said  
18 that handcuffs were on Mr. Bell's wrists?

19 MR. REAK: Object to the form of the  
20 question.

21 THE WITNESS: I don't know that it's  
22 anybody's obligation to tell me that.

23 BY MR. DUNPHY:

24 Q Well, as an investigating officer doing  
25 forensic work, would you have liked to have